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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/495,036	01/31/2000	Ruibing Hao	1-2-10-3	4280

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EXAMINER

PHILPOTT, JUSTIN M

ART UNIT

PAPER NUMBER

2665

19

DATE MAILED: 04/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/495,036

Applicant(s)

HAO ET AL.

Examiner

Justin M Philpott

Art Unit

2665

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 26 March 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☒ A Notice of Appeal was filed on 01 March 2004. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: _____

Claim(s) withdrawn from consideration: _____

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
10. ☐ Other: _____

HUY B. VU

SUPERVISORY PATENT EXAMINER
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Continuation of 5. does NOT place the application in condition for allowance because:

Applicant's arguments are not persuasive.

Specifically, applicant argues (page 2, first paragraph) that Uyar does not disclose testing interconnecting communication systems by causing the systems to perform specified transitions between pairs of operational states, where each operational state pertains to a first operation of a first gateway system associated with a first user and a corresponding operation of a second gateway system associated with the second user as recited in claim 3. However, Uyar clearly teaches determining a number of operational states that are required of the communication system to implement the desired mode of operation between the first and the second end users (e.g., see col. 5, line 58 - col. 6, line 31), wherein each operational state (e.g., STATE_j, see FIG. 3) pertains to a first operation of a first system associated with the first end user (e.g., TEST STEP_i, wherein a first tester/user A sends input_j, see FIG. 4; see also col. 4, lines 54-56 wherein the term tester is synonymous with user) and a corresponding second operation of a second system associated with the second end user (e.g., TEST STEP_i, wherein a second tester/user B receives output_j, see FIG. 4), as recited in claim 3. Further, Uyar teaches testing the interconnected communication systems by causing the systems to perform specified transitions between pairs of at least some of the operational states (e.g., from STATE_j to STATE_k). While Uyar may not specifically disclose that the first and second systems are gateway systems, Uyar discloses the invention is applicable for, e.g., systems running at different speeds independent of each other and including a wide class of implementations that bring services to more than one user via such diverse systems as digital communication switches, PBXs, implementations of high-layer communication protocols, and VLSI systems (e.g., see col. 1, lines 10-15 and col. 11, lines 40-47), thus suggesting applicability to gateway systems. Thus, at the time of the invention it would have been obvious to one of ordinary skill in the art to apply the teachings of Uyar to gateway systems as suggested by Uyar by teaching the invention is applicable to the above-mentioned wide class of implementations. Accordingly, applicant's argument is not persuasive.

Further, applicant argues (page 2, second paragraph) that in Uyar, a number of testers are each separately connected to the multi-user system and generates its own set of test sequences in order to test the link between the given tester and the single multi-user system. It is believed that applicant intends to argue that in view of these features, Uyar does not teach applicant's claimed "testing the interconnected communication systems by causing the systems to perform specified transitions", wherein it is noted that applicant's claim recites a plurality of systems. However, Uyar further discloses that the testers are in fact systems (e.g., see col. 10, lines 14-16). Therefore, Uyar teaches a plurality of systems (e.g., multi-user systems and tester systems) such that Uyar tests the interconnected systems (e.g., multi-user systems and tester systems) by causing the systems to perform specified transitions, as recited in claim 3. Thus, applicant's argument is not persuasive.

Still further, applicant argues (page 3, first paragraph) that the test sequences in Uyar do not relate to a first operation of a first gateway system associated with a first user and a second operation of a second gateway system associated with a second end user. However, as discussed above, Uyar clearly teaches determining a number of operational states that are required of the communication system to implement the desired mode of operation between the first and the second end users (e.g., see col. 5, line 58 - col. 6, line 31), wherein each operational state (e.g., STATE_j, see FIG. 3) pertains to a first operation of a first system associated with the first end user (e.g., TEST STEP_i, wherein a first tester/user A sends input_j, see FIG. 4; see also col. 4, lines 54-56 wherein the term tester is synonymous with user) and a corresponding second operation of a second system associated with the second end user (e.g., TEST STEP_i, wherein a second tester/user B receives output_j, see FIG. 4), as recited in claim 3. Thus, applicant's argument is not persuasive.

Finally, applicant argues (page 3, second paragraph) that the testers of Uyar at most perform transitions related to a single end user and a single multi-user system, and thus, Uyar cannot teach the limitations of claim 3. However, as discussed above, Uyar further discloses that the testers are in fact systems (e.g., see col. 10, lines 14-16). Therefore, Uyar teaches a plurality of systems (e.g., multi-user systems and tester systems) such that Uyar tests the interconnected systems (e.g., multi-user systems and tester systems) by causing the systems to perform specified transitions, as recited in claim 3. Thus, applicant's argument is not persuasive. . .